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**From:** Palmer, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3A702305929342CF90B255C49DBACF4A-PALMER, JOHN]  
**Sent:** 6/19/2013 5:36:36 PM  
**To:** Michael.Mcintyre@deq.idaho.gov  
**CC:** Don.Essig@deq.idaho.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e58ee293a6743a68d71e165f7838db1-Don.Essig@deq.idaho.gov]; david.mabe@noaa.gov; russ\_holder@fws.gov; Chung, Angela [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3e49fcb1ad46f1bdbe92ebb4936350-Chung, Angela]; Macchio, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e7a9f87246cd422d9bdace2cdf1abbef-Macchio, Lisa]  
**Subject:** RE: Idaho Toxics WQS Consultation BiOp Schedule

Thanks Michael

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**From:** Michael.Mcintyre@deq.idaho.gov [mailto:Michael.Mcintyre@deq.idaho.gov]  
**Sent:** Wednesday, June 19, 2013 10:20 AM  
**To:** Palmer, John  
**Cc:** Don.Essig@deq.idaho.gov; david.mabe@noaa.gov; russ\_holder@fws.gov; Chung, Angela; Macchio, Lisa  
**Subject:** RE: Idaho Toxics WQS Consultation BiOp Schedule

John,  
I lost track of this email. Don Essig reminded me it was sent to me for a response. Yes DEQ is agreeable to the timeframe outlined below. The length of the schedule, two years, is of concern, but with everything that's going on including the pending NOI this is the best we can hope for.

Michael McIntyre  
Surface Water Program Manager  
Idaho Dept. of Environmental Quality  
Tel: 208.373.0570  
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[michael.mcintyre@deq.idaho.gov](mailto:michael.mcintyre@deq.idaho.gov)

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**From:** Palmer, John [mailto:Palmer.John@epa.gov]  
**Sent:** Wednesday, May 22, 2013 4:58 PM  
**To:** Michael McIntyre  
**Cc:** Don Essig; David Mabe - NOAA Federal; Holder, Russ; Chung, Angela; Macchio, Lisa  
**Subject:** Idaho Toxics WQS Consultation BiOp Schedule

Hi Michael,

Below you will find email exchanges between EPA and NOAA and EPA and FWS regarding the timeframe for completing the respective biological opinions on the Idaho toxic water quality standard consultation. As an applicant to this consultation, the purpose of the this email is to inform the State of Idaho of this agreed to schedule between EPA, NOAA, and FWS and to request email concurrence that this schedule is acceptable to the State. As an applicant, the State can non-concur and request the BiOps be completed sooner.

In summary, the schedule calls for NOAA to issue its final BiOp by March 31, 2014 and for FWS to issue its final BiOp by January 31, 2015.

Please provide your email response to all who are cc'd on this email including Dave Mabe (NOAA) and Russ Holder (FWS). Please let me know if you have any questions.

Thanks,

John Palmer  
Senior Policy Advisor  
Office of Water and Watersheds  
206-553-6521

**From:** Palmer, John  
**Sent:** Tuesday, March 05, 2013 8:50 AM  
**To:** 'David Mabe - NOAA Federal'  
**Cc:** Psyk, Christine; Chung, Angela; Weber, Courtney; Macchio, Lisa; Laurie Beale  
**Subject:** RE: Revised Date for the Idaho Toxics WQS BO

Hi Dave,

EPA concurs that March 31, 2014 is a reasonable and realistic date to complete the NOAA BiOp on EPA's approval of various Idaho toxic water quality standards. EPA thinks a little over a year to complete the remaining tasks, such as EPA review of the draft BiOp, interagency discussions on technical issues and proposed measures, and finalization of the BiOp, is realistic. EPA would also like to note that any EPA follow actions stemming from the BiOp, if applicable, would only occur after the FWS BiOp is finalized, which is planned for January 31, 2015.

Thanks,

John Palmer  
Senior Policy Advisor  
Office of Water and Watersheds

**From:** David Mabe - NOAA Federal [<mailto:david.mabe@noaa.gov>]  
**Sent:** Tuesday, March 05, 2013 7:03 AM  
**To:** Palmer, John  
**Subject:** Revised Date for the Idaho Toxics WQS BO

John,

I want to confirm our exchange of telephone messages that EPA and NOAA agree on the goal of completing the final Opinion by 3/31/2014.

Finishing your review over the next 12 months will require a lot of focus by both agencies to complete the technical reviews and discuss the conservation measures for each of the substances in the Opinion.

We look forward to a final product. Thanks.

**From:** Palmer, John  
**Sent:** Monday, March 04, 2013 3:46 PM  
**To:** 'Holder, Russ'  
**Cc:** Eric Nagle; Kathleen Moynan; Susan Burch; Psyk, Christine; Chung, Angela; Macchio, Lisa; Weber, Courtney; Dave Mabe  
**Subject:** RE: Idaho Toxics schedule

Hi Russ,

EPA concurs that January 30, 2015 is a reasonable and realistic date for issuance of the FWS Final BiOp for EPA's approval of Idaho's toxic water quality standards. We recognize that FWS work on the Idaho toxic BiOp effectively stopped in the mid-2000's by mutual consent to focus our collective energies to complete the ESA consultation on the Oregon toxic water quality standards. We also agree that completing a BiOp of this scope is very complex and will

require extensive analysis. Given where we are at in the Idaho toxic consultation process today and the need to identify staff and resources to re-start the consultation, update information, and complete the remaining elements of the BiOp, providing approximately two years to complete this work is reasonable and consistent with schedule followed for the Oregon toxic water quality BiOp.

John Palmer  
Senior Policy Advisor  
Office of Water and Watersheds

**From:** Holder, Russ [[mailto:russ\\_holder@fws.gov](mailto:russ_holder@fws.gov)]  
**Sent:** Monday, February 25, 2013 3:49 PM  
**To:** Palmer, John; Macchio, Lisa  
**Cc:** Eric Nagle; Kathleen Moynan; Susan Burch  
**Subject:** Idaho Toxics schedule

John and Lisa,

Evidently there is going to be a call this coming Wednesday regarding the likely schedule for the Services to complete the Idaho Toxics consultation. As identified during our conference call on January 16 - the FWS believes it will take 18 to 24 months to complete the FWS consultation due to several factors:

- Lack of FWS staff to address this work thus requiring the need to contract with both toxics expert(s) and potentially Section 7 expert(s) - (both of which are being actively pursued). A new development is our potential inability to implement this approach due to sequestration prohibiting contracting and/or cooperative agreements.
- Change of ESA species needing to be assessed since the initial BA submission in 1999 and revision in Aug 2000
- Lack of species specific snail information which will likely need significant coordination between our agencies
- updated toxic information which will need to be incorporated
- the combination of chemicals to be evaluated at two different effect levels ("acute" and "chronic") and the effects to FWS species is anticipated to equate to close to 450 separate effects analysis.

It is our request that a realistic date for FWS to issue a final BO would be January 30, 2015. We are requesting your agencies recognition of this as an agreed upon date for issuing the FWS Idaho Toxics BO.

Thank you for your consideration. ...Russ

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*Russ Holder, Assistant State Supervisor  
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